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Resumen

El artículo analiza el surgimiento de la sociedad civil en China a través del estudio de la emergencia de organizaciones internacionales como ONG y fundaciones. Se analiza con detenimiento el surgimiento del concepto “sociedad civil” en China señalando sus usos, acepciones y especificidades respecto al uso del término en el ámbito occidental. El análisis de las relaciones entre ONG internacionales y chinas arroja luz sobre el papel de estas organizaciones en la emergencia de la sociedad civil en China.

Palabras clave

Sociedad civil, China, ONG, globalización

Abstract

The article analyzes the emergence of civil society in China through the study of international organizations such as NGOs and foundations. The article examines in detail the emergence of the concept “civil society” in China stating its different meanings and specificities regarding the use of the term in the West. The study of the relationship between international and Chinese NGOs sheds light on the role of these organizations in the emergence of civil society in China.

Keywords

Civil society, China, NGO, globalization

THE INFLUENCE OF INTERNATIONAL CIVIL SOCIETY IN CHINA¹

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Introduction

Although States have always played a central role in international relations, numerous non-state actors, such as NGO and foundations, have acquired increasing visibility as international actors. In the seventies Robert Keohane and Joseph Nye proposed the substitution of a state-centred paradigm by a world politics paradigm where international relations are transnational (Keohane and Nye, 1971). Later Rosenau and Czempiel (1992) proposed a model of governance without government, where the state is no longer the only neither the most important actor in the international society because each individual and group plays different social roles in different systems. The governance is originating from communities, Non-Governmental Organizations (NGO), states and other non-state actors.

Following globalization, some problems got a worldwide dimension, such as environment, human rights, poverty and crime. To solve them it will be necessary comprehensive methods and the participation of different international actors. Therefore the field of action of civil society, as “an intermediate realm between the family and the state, where individual becomes a public person” (Hegel), broadened to a global size.

¹ Publication of this paper has been authorised by CIDOB-Barcelona Centre for International Affairs.

Although the concept of *global civil society* just came out in the nineties, this phenomenon already existed in the nineteenth century. Due to the Industrial Revolution, there was a great increase of economic and social problems. Consequently in the middle of nineteenth century, there were created the first private international associations in Europe. In 1863 Red Cross was created in Switzerland and Caritas was created in 1897 in Germany. Apart from humanitarian aid, these organizations had also a consultative role in international organizations such as in the International Labour Organization. The role of NGO was also particularly important during the First World War and the Second World War, especially on the field of humanitarian aid. NGO had also a key role in the demand of civil rights. Finally the Economic and Social Council of United Nations attributed to these organizations a consultative role under the article 71 of the United Nations Charter. From 1972, NGO began to participate in the United Nations Conferences, starting by Stockholm Conference.

According to Jan Aart Scholte in the 1960s civil society acquired supraterritorial attributes. Still according to this scholar, “global civil society encompasses civil activity that 1) addresses transnational issues; 2) involves transborder communication; 3) has a global organization; 4) works on premise of supraterritorial solidarity” (Scholte: 1989, 2004: 214). In the aftermath of 1989, according to Mary Kaldor, the idea of global civil society was understood in three different ways: the new social movements which started in the sixties in South Asia, Africa and Western Europe and greatly developed during the nineties through transnational networks; new policy agenda of global institutions; new religious and ethnic movements (Kaldor, 2003: 588-590).

Although China has a quite different past from the West, there is also an emerging civil society. In the last years, international

civil society organizations have also been allowed to enter in the Chinese territory. I'll analyse the role of these organizations, including NGO and also foundations in China.

Civil Society in China

Civil society as a Western concept was not easily understood in China. Since very early, Confucius adverted against participating in partisan activities (*junzi jin er bu zheng, qun er bu dang* 君子矜而不争，群而不党) and traditionally non official or non governmental organizations always were restricted, especially political organizations. However there were always associations of commerce, of people from the same region, of mutual support and art associations.

In the end of 19th century, Chinese economy was very weak and society was very unstable. Therefore it appeared several associations "to save the nation" because of forced presence of the Western countries and Japan in the Chinese territory. In 1908, the Constitutional Program was approved and, for the first time in Chinese history, the liberty of expression, association and press was recognised. Therefore civil associations were recognized. It was estimated that before 1911, there were already 2.000 commercial, education and agriculture associations.

The Provisional Constitution of Republic of China also recognized liberty of expression, publication, reunion and association. During this period, civil organizations greatly increased and more laws were adopted to regulate its functioning. Nationalist government approved general and specific laws about all kinds of organizations aimed at create a complete legal environment for civil society. According to the Ministry of Civil Affairs, in 1946, there were more than 46.000 registered people's associations, including more than 40.000

professional associations and more than 5.000 social organizations.

Later, People's Republic of China Constitution included the protection of freedom of thought, expression, publication, reunion, association and religion. However associations or organizations that threatened state's security were not authorized. Indeed People's government abolished almost all civil organizations created before 1949 and established the called mass organizations (*renmin tuanti* 人民团体) according to the Leninist model. Still they were just a few: 44 in 1950 and less than 100 in 1965.

The policy of reform and open up promoted by Deng Xiaoping gave an important contribution to the building of a certain idea of civil society in China. Although the Party did not allow the reform of the political system, and even repressed the Democracy Wall Movement in 1979, during the eighties the intellectuals worked with the Party's reformers. Jean-Philippe Béja (2007) calls this *embryonary* idea of civil society an intra-elite project following the social pact for reform. In 1988, the Chinese government issued the first regulations for management of foundations. During the eighties, there was a great increase in the number of civil organizations: in 1989, there were more than 1.600 mass organizations and more than 200.000 local ones.

In 1989 and due to Tian'anmen Square riots, Chinese government strengthened its control on these organizations. They were ordered to register again, which reduced temporarily its number: 1.200 national mass organizations and 180.000 local ones in 1992. Deng Xiaoping's trip to the south of China in 1992, gave a strong boost not just to economy but also to the establishment of civil organizations. Also that year the first

issue of the Chinese magazine *Social Sciences in China* was about the topic of civil society.

In the end of the nineties, it appeared a new kind of organization: private non-commercial entities, formed by citizens, companies and other private organizations which used non governmental funds to promote non profit activities of providing public services. According to the Ministry of Civil Affairs, in 2005, there were more than 147.917 social associations, 131.322 civil non commercial unities and 714 foundations.²

According to Jean-Philippe Béja (2007), there is a new kind of civil society encouraged by the Party-State, the intellectuals are serving as experts inside the system according to the new social pact for conservation. Chinese leaders allow these intellectuals and organizations to work but under their control. That's why some of these organizations are called Government Operated Non-Governmental Organizations (GONGO).

Due to increasing social and economic problems, which sometimes the government cannot solve, there were created a great number of such organizations working in these fields, such as poverty alleviation and environment degradation. Beijing allows these organizations to operate in fields that may threaten social stability and the Party maintenance in power. According to Jie Chen, the establishment of NGO in China had two main purposes: to receive expertise and philanthropic funding that the government finds hard to access, particularly from international sources, and also the possibility for these

² Civil Government Statistical Data for the First Quarter of 2005
www.mca.gov.cn/mztj/yuebao0503.html

organizations to explore new areas of work such as AIDS prevention and contraception programs, that government agencies had more difficulty in implementing (Chen, 2005: 4).

The concept of *civil society* in China is however very recent, sometimes not well understood by the broad population and even very ambiguous in its meaning. In China, this concept appeared in the academic field only in the eighties and became a hot issue during the nineties. There are three expressions in Chinese to mean civil society:

市民社会 (*shimin shehui*): the most used in mainland China. However, it has some ideological connotation related to Marxism and the so called bourgeois society. This expression is also misused as urban residents.

公民社会 (*gongmin shehui*): used by Taiwanese scholars and also by mainland China's historians who do research on NGO in modern China.

民间社会 (*minjian shehui*): expression used after 1978. It has a positive meaning, emphasizing political participation of citizens in public life and restrictions in the political power. Young scholars prefer this expression.

NGOs in China

Usually the civil society organizations (*minjian zuzhi* 民间组织) have some features: non official and profit organizations, constituted by voluntary citizens with an organization independent from the state of government, looking for the common interest.

However in China these organizations have specific characteristics. According to Yu Keping, in China these organizations are characterized by:

- 1) Strong governmental orientation with both official and unofficial aspects, being the most part of civil organizations established by the government or led by the government, also the civil organizations must affiliate in party or governmental authorized organization, there is an almost complete financial dependency from Chinese government
- 2) Civil organizations have a transitional nature and are in a process of being formed, not being yet completely independent, either non governmental or voluntary.
- 3) Civil organizations have not yet been normalized.
- 4) The development of civil organizations is very uneven at present and there are great disparities between the social, political and economic influence of different organizations and their position in society (Yu, 2010).

A key feature of Chinese civil society is the governmental influence in civil organizations. Some authors say that there are no real NGO in China but only GONGO –governmental operated NGO. Thomas Metzger explains that fact by an “utopian top-down view in which a *moral-intellectual virtuosi* take charge of a corrigible state and at least are allowed by the latter to guide society” (Metzger, 1998).

According to the Ministry of Civil Affairs of China, there are three kinds of civil organizations:

- 1) Social associations (*shehui tuanti* 社会团体), which are non-profit and voluntary, constituted by Chinese

citizens and from four types including academic groups, commercial and industrial organizations, professional organizations and federations;

2) Private non-commercial entities (*minban feiqiye danwei* 民办非企业单位), which are social organizations without state financing and are organized by companies, institutions, social forces or individual citizens with social non-profit objectives;

3) Foundations (*jijinhui* 基金会), which are legally constituted and non-profit, dedicated to common good.

There are also state non-commercial entities (*shiye danwei* 事业单位) but because they receive public funds are excluded from this classification.

As mentioned before, and according to official figures, in 2005, there were 147.917 social associations, 131.322 private non commercial entities and 714 foundations.

Regarding their field of action and according to International Classification of Nonprofit Organizations, in China there are organizations dedicated to: culture and recreation, education and research, health, social services, environment, development and housing, law, advocacy and politics, philanthropic intermediaries and volunteerism promotion, international, religion, business and professional associations, and non classified.

From the legal point of view, it's the Ministry of Civil Affairs (*min zheng bu* 民政部) which supervisions the civil organizations, controlling administrative aspects and also taxes, expenses and staff. However there is a lack of laws to regulate civil organizations activity in China. There are no specific laws

for civil organizations but only ordinary laws with clauses on these organizations, such as the Civil Code and the Code of Civil Process and specific laws to some civil organizations more important. There are also regulations on registration and supervision of social associations, private non-commercial entities and associations of foreign business. According to the specific features of Chinese political model, the Communist Party have also adopted some regulations on these matters.

International NGOs in China

In the seventies, China deepened the integration in the international society especially due to the recognition in the United Nations and the establishment of diplomatic relations between People's Republic of China and the United States. These events and also the policy of reform and open up resulted in a more flexible attitude towards international organizations. In 1979, the Chinese government started to cooperate with the United Nations Development Program and since then international organizations started to go to China. In 1991, due to disastrous summer floods, allowed unprecedented intervention of foreign NGO in the Chinese territory.

However it was the realization of the Fourth United Nations World Conference on Women in Beijing in 1995 which gave a great boost to the establishment of international organizations in China. It was just then that the expression "non-governmental organization" (*fei zhengfu zuzhi* 非政府组织) entered in China. Since 1996, Chinese NGO and also international NGO became more active in China.

Legally, international NGO are under the 1989 law on foreign business organizations. These organizations need to be approved by the Ministry of Civil Affairs and the Ministry of Foreign Trade. In 2004, the law on the registration of

foundations was reviewed to include foreign foundations. However legal framework is reduced, which limits international NGO's activity in China.

Furthermore Chinese government greatly doubts on these organizations actuation in its territory and it is almost impossible to get these two ministries approval. However there is a possibility of penetration. To get international private funds, it is necessary a non-governmental intermediary institution. In 1985 the Chinese government established the Division of Relations with International NGO and in 1992, the China Association for NGO Cooperation (CANGO).

However, international NGO and foundations still had great difficulties to establish in the Chinese territory. They then adopted several strategies (Ma, 2006: 177-178):

- 1) Establishing Hong Kong or Macao-based headquarters or branches through which their programs are run in the mainland.
- 2) Opening representative offices in Beijing with a government institution as a supervising agency.
- 3) Opening offices in cities other than Beijing and register with local bureaus of civil affairs.
- 4) Register with the bureau of industry and commerce as business company.
- 5) Operating cooperative programs with Chinese NGO or governmental agencies.
- 6) Obtaining an "International Expert's Service Certificate" from the State Bureau of Foreign Experts.
- 7) Signing an agreement memorandum.

There was an increase of international NGO in China since 1978 and especially since 1996. According to the Directory of International NGO of *China Development Brief*³ in November 2007 there were more than 300 international NGO acting in China. However according to the Director of NGO Research Center of Qinghua University, Wang Ming, there were between 3.000 and 6.000 international NGO based in China (Chen, 2005: 7). The largest part has operational programs. According to regional origin, the most part are from United States and Hong Kong.

Regarding the activity sector, and according to *China Development Brief* the most part of the international NGO working in China are dedicated to environmental issues. China's accelerated economic growth has been negative effects on the environment. In the last years, Chinese leaders have demonstrated a great interest in solving these issues. In 2004, Chinese leaders adopted the concept of scientific development (*kexue de fazhan guan* 科学的发展观) which includes the notion of sustainable development, a development which takes into account nature and energetic resources. Indeed this concept of scientific development was included in the Party's Constitution last Congress in October. Due to Chinese government interest in solving environmental issues, it allows organizations dealing with these issues to act in China, including foreign NGO. According to *China Development Brief*, there are 45 international NGO acting in China in the field of environmental, including the Friends of the Earth, World Wide Fund for Nature and some Korean NGO. For

³ *Directory of International NGOs (DINGO)*, en: www.chinadevelopmentbrief.com/dingo/

example, World Wide Fund is working in China since 1980 and in 1996 it opened an office in Beijing. It works mainly on environment education and panda conservation.

Other major sectors include rural and community development, education, ethnic minorities, health and HIV-AIDS. China's fast economic growth increased also some problems such as the inequality between rural and urban areas and between coastal and inner regions, extensively occupied by ethnic minority peoples. Although the Chinese government defined social problems as a priority in 2003 under the banner "people's first" (*yimin wei ben* 以民为本), it is still incapable to solve these inequalities and to provide efficient education and health services all alone. Therefore this is a fertile field for NGO from China and abroad. If we include HIV-AIDS and Sexuality and Reproductive Health topics in the Health Sector as individualized by *China Development Brief*, health will be the sector with greatest number of international NGO: 67. Among these Red Cross and *Medecins Sans Frontieres* are working in China.

There are also some foreign NGO acting in China in the field of rural development and ethnic minorities, 42 and 29 respectively. Rural problems are really striking in China. Chinese government defined the three major rural problems (*san nong wenti* 三农问题): agriculture, countryside and peasants. Parallel or sometimes in cooperation with the government, there are several NGO devoted to these issues. According *China Development Brief* there were 42 foreign NGO working in rural and community development in China at the momento of the survey. Ethnic minorities which usually occupy China's poorest regions of the borders are also a focus of foreign NGO. Indeed it's in the multi-ethnic province of Yunnan where there are major part of foreign NGO and foundations working.

Table 1. International NGOs by activity sector

Sector	Total	% del total
Medio ambiente	45	14,0
Desarrollo rural y comunitario	42	13,1
Educación	38	11,8
Salud	32	10,0
Minorías étnicas	29	9,0
VIH-SIDA	26	8,1
Necesidades especiales	21	6,5
Desarrollo de ONG y creación de capacidades	18	5,6
Bienestar de los menores	13	4,1
Legislación y derechos	11	3,4
Ayuda y prevención de catástrofes	9	2,8
Salud sexual y reproductiva	9	2,8
Voluntariado	8	2,5
Género	6	1,9
Trabajo y migración	6	1,9
Políticas sociales y reformas económicas	4	1,3
Micro-crédito	3	0,9
Personas mayores	1	0,3
TOTAL	321	100,0

Source: China Development Brief, November 2007

Concerning the geographic distribution, there is a great concentration of foreign NGO in the border regions of China, such as Yunnan, Sichuan, Tibet, Guizhou and Guangdong. According to *China Development Brief*, Yunnan is the province with the greatest number of NGO (45), even more than the NGO that work nationwide. Being a very poor region, the

foreign NGO are mainly dedicated to social and environment issues.

As a Municipality administratively independent from the provinces, Beijing is the second place with more international NGO: 43 in the end of 2007. Although many of them have offices in the capital, for many years they were working in other regions of China. Along the time has been an increase of the number of foreign NGO working in the capital. These NGO are mainly dedicated to social issues such as education, child welfare and also to environment. The other municipalities directly subordinated to the central power –Shanghai, Tianjin and Chongqing– have lesser number of foreign NGO.

Other regions with a great number of NGO include the corridor from Xinjiang and the Qinghai-Tibet Plateau passing by Sichuan, Guizhou and Guangxi. In these regions, NGO are working mainly on poverty and health issues and on a lesser extend on sustainable environment. In the prosperous province of Guangdong there are 25 registered NGO working mainly on social issues and on a lesser proportion on environmental issues. It's interesting to notice that in sensitive provinces like Fujian which is located in the other side of the Taiwan Strait, there were just 4 international NGO working there in 2007 according to *China Development Brief*.

Table 2. International NGOs by region

Province	Total	%
Yunnan	45	8,1
En todo el país	44	8,1
Beijing	43	7,1
Sichuan	40	7,3
Tíbet	27	5,0
Guangdong	25	4,6

Guizhou	25	4,4
Qinghai	23	4,2
Gansu	22	4,0
Guangxi	21	3,9
Shanghai	21	3,9
Xinjiang	18	3,3
Mongolia Interior	14	2,6
Shanxi	14	2,6
Hunan	13	2,4
Shaanxi	13	2,4
Anhui	12	2,2
Henan	12	2,2
Hubei	12	2,2
Jiangsu	12	2,2
Hebei	11	2,0
Jiangxi	9	1,7
Chongqing	9	1,7
Heilongjiang	9	1,7
Shandong	9	1,7
Jilin	8	1,5
Liaoning	7	1,2
Ningxia	7	1,2
Zhejiang	7	1,2
Tianjin	6	1,1
Hainan	5	0,9
Fujian	4	0,7
Shenzhen	1	0,2
Total	548	100,0

Source: China Development Brief, November 2007

After the United Nations Conference on Women being held in Beijing in 1995, there was a waning of the state control on the activity of non-governmental organizations. Therefore the number of NGO, either Chinese and foreign, operating in China

increased a lot. There also held some conferences on civil society in China which promoted academic discussion on this topic. Apart from financial support, international foundations and NGO also served as a as a bridge between these and the outside world, integrating them in the world networks, in the so called *global civil society*.

An important role also played by the international organizations is the support to Chinese NGO to better develop their work, training their capacity-building, management capability, program planning and accountability. Therefore international NGO have a very important task assisting Chinese NGO to play their role in the civil society on an independent, non-profit and transparent way, through consulting activities and also technical and financial support. According to *China Development Brief*, there were 18 international NGO and foundations involved in this task, including Asia Foundation. Although not influencing directly Chinese society and Chinese domestic political model, international NGO have a very important role in building Chinese civil society namely supporting Chinese NGO's activities, helping them to act like real NGO, and also promoting education programs that finally will teach Chinese society topics such as rule of law, active citizenship and public participation, namely through discussion and elections. This can be understood as a "channel for the import of international democratic ideas and practices" (Morton, 2005: 526).

From the Chinese local NGO point of view this support can be seen as on a utilitarian way. Since Chinese NGO depend in a great deal on the government not just from also for approval but also for financial support, foreign organizations are important alternatives especially for financial support. For example, from

1988 to 2005, Ford Foundation made grants totalling 207 million USD.⁴ Some Chinese NGO considers their foreign counterparts as useful money suppliers and in some cases the funds are wasted in not a proper way and not due controlled.

However, international NGO still face some obstacles when acting in China. Apart from the problems common to Chinese NGO such as the non complete normalization of the civil society in China, lack of legal regulations and great control of the State, international NGO also face a great mistrust from Chinese authorities due to historic and political reasons. The past of foreign occupation especially in the 19th century is still not forgotten by the Chinese people. Furthermore, the Chinese government always fears that international NGO are foreign governments instruments that can be used to promote foreign values namely on political and human rights field. That's why there are just 11 international NGO devoted to the topic of law and rights in all China according to *China Development Brief*. The Chinese government defends a unique political model and wishes to reform its own way. Beijing is very attentive to the role played by NGO in the called *colour revolutions* in Georgia (2003), Ukraine (2004) and Kyrgyztan (2005). Beijing also controls a lot the international NGO working in sensitive issues such as Tibet and religious issues. That's why they are prohibited to handle these issues.

Apart from the government distrust, Chinese people is also very suspicious of non government or non official organizations because everything that is not official is suspicious. This fact is aggravated because international NGO are foreign. Even though these international NGO act in fields of great necessity such as medicine. According to a responsible for an operation

⁴ The Ford Foundation and China (2007) <www.fordfound.org>

program of the NGO *Medecins sans frontiers* (Doctors without Frontiers), they faced several difficulties to put into practice a program of prevention and support to AIDS victims because they are not recognized by local government neither by local people although they offer a free treatment. Therefore they decided to use the strategy to collaborate with local NGO, the Red Ribbon. The collaboration with local NGO is one the best strategies used by international NGO.

Finally the Chinese government supports international NGO in fields where it is interested to solve the problems, especially problems arising from rapid economic growth. Beijing is particularly tolerant to organizations with objectives in the field of environmental degradation and poverty.

Conclusion

From China's point of view, civil society is a foreign concept that is not completely understood by the Chinese people. Chinese NGO still have a long way to go before becoming real NGO. Although UN Conference in 1995 gave a very important contribution to the establishment of Chinese and international NGO in China, there are still many obstacles to overcome.

Gradually international NGO are entering China and having an important role in building Chinese civil society. International NGO's contribution can be divided in two main ways: supporting Chinese NGO integration in global civil society and also supporting their formation through technical assistance and also financial support.

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